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TRANSMITTAL SLIP | DATE 2-10-84

TO: SA/DCI

ROOM NO. | BUILDING 7D6011 Hqs.

REMARKS:

S-109

FROM: OLL

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[redacted]

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FORM NO. 1 FEB 55 241 REPLACES FORM 36-8 WHICH MAY BE USED.

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OLL 84-0651
10 February 1984

MEMORANDUM FOR: Deputy Director for Administration
Director of Security
Special Assistant to the Deputy Director
for Central Intelligence

FROM: [redacted] STAT
Deputy Director, Office of Legislative Liaison

SUBJECT: February 22 Hearing Before the Senate Select Committee on Intelligence on the Polygraph

1. As I earlier informally advised [redacted] STAT the Senate Select Committee on Intelligence (SSCI) will conduct a hearing on the polygraph at 2:00 p.m. on 22 February 1984. Representatives from this Agency, the National Security Agency (NSA), and the Department of Defense (DOD) have been invited to testify at this hearing. These hearings are the result of a compromise struck by the SSCI with the Senate Armed Services Committee (SASC) following the passage of a provision in last year's DOD Authorization Bill which froze the use of polygraphs at DOD until 15 April 1984 to that use in effect as of 5 August 1982. The SASC agreed to limit the scope and duration of this polygraph ban provided that the SSCI held hearings on the use of polygraph examinations at DOD prior to 15 April 1984. Senator Chafee also has committed the SSCI to holding polygraph hearings prior to this 15 April 1984 date.

2. On 9 February 1984, I attended a meeting at the SSCI with [redacted] of this Office, at which STAT various representatives from NSA and DOD also were present and discussed with staff counsel Vicki Toensing and Peter Sullivan the suggested scope and content of each agency's presentation on the polygraph before the SSCI on 22 February 1984. This memorandum will describe the recommendations resulting from this meeting concerning how the Agency's testimony should be structured at this hearing.

3. Counsel informed us that the scheduled hearing will be conducted in closed session. The Committee intends, however, to sanitize the hearing transcript so that a public report on this subject is produced. It was agreed that NSA would testify

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first, and that NSA's presentation would include a short film which demonstrates how the polygraph machine is operated during the course of an actual examination. NSA also would provide information concerning its present polygraph program. CIA next would testify and, after generally describing its polygraph program, would present material testifying to the utility of the polygraph. DOD would be the final agency to appear before the SSCI and drawing upon the NSA and CIA models, would explain why and how it intends to expand its present polygraph program.

4. Ms. Toensing and Mr. Sullivan repeatedly emphasized that the primary focus of the SSCI at the hearing will be the issue of fairness, and how the rights of individuals required to take a polygraph examination are protected at various stages and during the different uses made of the polygraph. They anticipate that the Agency would initiate their presentation by describing the present polygraph program, including the different uses made of the polygraph (i.e., pre-employment screening, unauthorized leak investigations, periodic reinvestigation) the procedures which are followed in administering these various polygraph tests, and the subsequent use which is made of the record of the polygraph examination. The Agency, following this initial description of the polygraph program, would then present ancedotal material concerning specific cases in which the polygraph elicited critical information otherwise uncovered by other investigative techniques. The recently produced SECOM study describing in an unclassified manner 51 specific cases collected from various Intelligence Community agencies could be used in this regard.

5. Counsel anticipates that the Agency would be provided approximately 30 minutes in which to make this presentation. Counsel noted that they would expect [redacted] as head of the Office of Security (OS) to be present at the hearing and that an appropriate Agency polygraph expert should accompany [redacted] at this hearing. STAT STAT

6. In addition to the above presentation at the 22 February hearing, Counsel also has requested that certain material be produced for inclusion in the written record which will be compiled as a result of this hearing. Specifically, any study conducted by the CIA on the validity or accuracy of the polygraph was requested to be provided to the Committee. In addition, the consent form presently used by OS in conducting polygraph examinations, as well as any written material describing the procedures that are utilized by polygraph examiners during the examination also were requested.

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7. I would like to schedule a meeting with appropriate OS representatives as soon as possible to discuss the preparation and drafting of this testimony, the provision of the above requested materials and which individuals should participate on behalf of the Agency at the scheduled hearing. I would appreciate hearing from appropriate OS representatives at their earliest convenience [redacted] STAT

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